

DOCUMENTS UNDER SEAL ☐

TOTAL TIME (mins): 40 Mins

MAGISTRATE JUDGE MINUTE ORDER		DEPUTY CLERK Ivy L. Garcia		REPORTER/FTR FTR: 1/11/08 10:18:02-10:58:14	
MAGISTRATE JUDGE HON. WAYNE D. BRAZIL		DATE 1/11/08		NEW CASE <input type="checkbox"/>	CASE NUMBER 4-08-70006-WDB
APPEARANCES					
DEFENDANT MARIO ORTIZ	AGE	CUST Yes	P/NP P	ATTORNEY FOR DEFENDANT Hilary Fox	PD. <input checked="" type="checkbox"/> RET. <input type="checkbox"/> APPT. <input type="checkbox"/>
U.S. ATTORNEY Bryan Whittaker	INTERPRETER Haydee Claus (Spanish Int.)		<input checked="" type="checkbox"/> FIN. AFFT NOT SUBMITTED		<input type="checkbox"/> COUNSEL APPT'D
PROBATION OFFICER None	PRETRIAL SERVICES OFFICER Victoria Gibson		DEF ELIGIBLE FOR APPT'D COUNSEL <input type="checkbox"/>		PARTIAL PAYMENT OF CJA FEES <input type="checkbox"/>
PROCEEDINGS SCHEDULED TO OCCUR					
<input type="checkbox"/> INITIAL APPEAR	<input type="checkbox"/> PRELIM HRG	<input type="checkbox"/> MOTION		<input type="checkbox"/> JUGM'T & SENTG	<input type="checkbox"/> STATUS
<input type="checkbox"/> I.D. COUNSEL	<input checked="" type="checkbox"/> ARRAIGNMENT 3 Mins HELD	<input type="checkbox"/> BOND HEARING		<input type="checkbox"/> INITIAL APPEAR REV PROB OR S/R	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> DETENTION HRG 36 Mins HELD	<input checked="" type="checkbox"/> ID / REMOV HRG WAIVED BY THE DEFT.	<input type="checkbox"/> CHANGE PLEA		<input type="checkbox"/> PROB. REVOC.	<input checked="" type="checkbox"/> ATTY APPT HEARING 1 Min HELD
INITIAL APPEARANCE					
<input type="checkbox"/> ADVISED OF RIGHTS	<input type="checkbox"/> ADVISED OF CHARGES	<input type="checkbox"/> NAME AS CHARGED IS TRUE NAME		FILED JAN 11 2008	
ARRAIGNMENT					
<input type="checkbox"/> ARRAIGNED ON INFORMATION	<input checked="" type="checkbox"/> ARRAIGNED ON INDICTMENT 2 COUNTS	<input type="checkbox"/> READING WAIVED SUBSTANCE		<input type="checkbox"/> WAIVER OF INDICTMENT FILED RICHARD W. WIEKING CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA OAKLAND	
RELEASE					
<input type="checkbox"/> RELEASED ON O/R	<input type="checkbox"/> ISSUED APPEARANCE BOND	AMT OF SECURITY \$		SPECIAL NOTES	<input type="checkbox"/> PASSPORT SURRENDERED DATE:
PROPERTY TO BE POSTED <input type="checkbox"/> CASH \$		CORPORATE SECURITY <input type="checkbox"/>		REAL PROPERTY: <input type="checkbox"/>	
<input checked="" type="checkbox"/> MOTION FOR DETENTION	<input type="checkbox"/> PRETRIAL SERVICES REPORT	<input checked="" type="checkbox"/> DETAINED	<input type="checkbox"/> RELEASED	<input checked="" type="checkbox"/> DETENTION HEARING AND FORMAL FINDINGS WAIVED	<input checked="" type="checkbox"/> REMANDED TO CUSTODY
ORDER REMOVED TO THE DISTRICT OF EASTERN DIST. OF WASHINGTON, SPOKANE IN CUSTODY FORTHWITH					
PLEA					
<input type="checkbox"/> CONSENT ENTERED	<input checked="" type="checkbox"/> NOT GUILTY AS TO BOTH 2 COUNTS	<input type="checkbox"/> GUILTY		GUILTY TO COUNTS: <input type="checkbox"/>	
<input type="checkbox"/> PRESENTENCE REPORT ORDERED	<input type="checkbox"/> CHANGE OF PLEA	<input type="checkbox"/> PLEA AGREEMENT FILED		OTHER:	
CONTINUANCE					
TO:	<input type="checkbox"/> ATTY APPT HEARING	<input type="checkbox"/> BOND HEARING	<input type="checkbox"/> STATUS RE: CONSENT	<input type="checkbox"/> STATUS / TRIAL SET	
AT:	<input type="checkbox"/> SUBMIT FINAN. AFFIDAVIT	<input type="checkbox"/> PRELIMINARY HEARING OR ARRAIGN- MENT	<input type="checkbox"/> CHANGE OF PLEA	<input type="checkbox"/> OTHER	
BEFORE HON.	<input type="checkbox"/> DETENTION HEARING		<input type="checkbox"/> MOTIONS	<input type="checkbox"/> JUDGMENT & SENTENCING	
<input type="checkbox"/> TIME WAIVED	<input type="checkbox"/> TIME EXCLUDABLE UNDER 18 § USC 3161	<input type="checkbox"/> IDENTITY / REMOVAL HEARING	<input type="checkbox"/> PRETRIAL CONFERENCE	<input type="checkbox"/> PROB/SUP REV. HEARING	
ADDITIONAL PROCEEDINGS					

cc: WDB's Stats, Pretrial

The govt's atty. provided the Court with a copy of the detainer that has been lodged on the deft. by ICE. The deft's atty. said that although the deft. is not a U.S. Citizen, he's a legal permanent resident in the U.S. The deft's atty. proffered that the deft's wife & daughter have agreed to co-sign on the Bond. The deft. has 2 properties: 1 in Carpino Ave. in Pittsburg, CA & 1 in Bailey Rd. in Bay Point, CA that he can post but these properties don't have huge amt. of equity. Given all the info. bef. this Court (ICE detainer, deft. DOCUMENT NUMBER, resides at a separate address from his wife & provided incomplete travel history, deft. faces significant sanctions in the instant offense), there are no conditions that could be imposed on the deft. that would reasonably assure his appear. in court. The Court ordered him detained as a risk of flight. The deft. admitted his identity & waived his Identity/Removal Hrg. in this district.

Department of Homeland Security
Immigration and Customs Enforcement

Immigration Detainer - Notice of Action

RECEIVED

JAN 11 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

File No.
A 90 085 063
Date: January 8, 2008

To: (Name and title of institution) CUSTODIAN OF RECORDS, HOLDS/WARRANTS/DETAINEES US MARSHAL SERVICE, STATE PRISONS, CITY/COUNTY JAIL, CALIFORNIA DEPARTMENT OF CORRECTIONS OR ANY OTHER SUBSEQUENT LAW ENFORCEMENT AGENCY	From: (INS office address) U.S. Department of Homeland Security Immigration and Customs Enforcement 630 Sansome Street, 5 th Floor San Francisco, CA 94111
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Name of alien: Barreto-Ortiz, Mario; AKA: BARRETO, Mario FBI#: 341686MA4

Date of birth: 02/05/1966 Nationality: Mexico Sex: Male

You are advised that the action noted below has been taken by the Immigration and Customs Enforcement concerning the above-named inmate of your institution:

- ☒ Investigation has been initiated to determine whether this person is subject to removal from the United States.
- ☐ A Notice to Appear or other charging document initiating removal proceedings, a copy of which is attached, was served on _____
(Date)
- ☐ A warrant of arrest in removal proceedings, a copy of which is attached, was served on _____
(Date)
- ☐ Deportation or removal from the United States has been ordered.

It is requested that you:

Please accept this notice as a detainer. This is for notification purposes only and does not limit your discretion in any decision affecting the offender's classification, work and quarters assignments, or other treatment which he or she would otherwise receive.

- ☒ Federal regulations (8 CFR 287.7) require that you detain the alien for a period not to exceed 48 hours (excluding Saturdays, Sundays and Federal holidays) to provide adequate time for INS to assume custody of the alien. You may notify INS by calling 415 844-5512 during business hours or 415 844-5549 after hours in an emergency.

- ☒ Please complete and sign the bottom block of the duplicate of this form and return it to this office. ☒ A self-addressed stamped envelope is enclosed for your convenience. ☒ Please return a signed copy via facsimile to 415 844-5562
(Area code and facsimile number)

Return fax to the attention of Polly Kaiser at 415 844-5536
(Name of INS officer handling case) (Area code and phone number)

- ☒ Notify this office of the time of release at least 30 days prior to release or as far in advance as possible.
- ☒ Notify this office in the event of the inmate's death or transfer to another institution.
- ☐ Please cancel the detainer previously placed by this Service on _____

Polly Kaiser #3149
(Signature of INS official)

Deportation Officer
(Title of INS official)

Receipt acknowledged:

Date of latest conviction: _____ Latest conviction charge: _____
Estimated release date: _____

Signature and title of official: _____